



ORIGINAL

Attorney Docket No. 5017D3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): VanZandt, et al.

Group Art Unit: 1626

Serial No: 09/845,379

Examiner: Sackey, E.

Filed: 04/30/01

For: Inhibition of Matrix Metalloproteases by Substituted Biaryl Oxobutyric Acids

#7
31498
12-21-02

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 11/25/2002

Eugenia Boshnack

Eugenia Boshnack

Response to Official Action

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

This is in response to the Office Action dated 06/24/2002.

RECEIVED
DEC 05 2002
TECH CENTER 1600/2900

Remarks / Arguments

Claims 2-8 are pending in this application

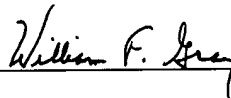
In the official action, the examiner has rejected claims 5 and 7 under §112, first paragraph, for lack of enablement. Applicants maintain that the disclosure provided on page 3 of the specification links various conditions to matrix metalloprotease inhibition, Table 2 on page 67

shows that the claimed compounds are matrix metalloprotease inhibitors, and the specification on pages 41-43 discusses various modes of administration. Accordingly, it is deemed that practice of the claimed method for treatment of various conditions would not require undue experimentation, and that the presently-rejected claims are enabled.

The examiner has also rejected claims 2-8 on grounds of obviousness-type double patenting, with reference to claims 1-2 and 5-7 of issued US patent 5,925,637. A terminal disclaimer accompanies this response, overcoming the rejection.

In view of the above argument and the terminal disclaimer, this application is deemed to be in condition for allowance, and allowance is accordingly requested.

Respectfully submitted,



William F. Gray

Bayer Corporation

400 Morgan Lane

West Haven, CT 06516-4175

Reg. No. 31018

Phone: (203) 812-2712

Date: 25 November, 2002